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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 1426 of 2005

Petitioner — Chhattisgarh Dairy Officers Association (Regd.No. C.G. State.615) Through the President Shri Rajesh Shrivastava, Village and Post BMY Charoda, Urla, Tehsil & Dist., Durg (C.G.)

Versus

Respondents

1. The State of Chhattisgarh, Through The Principal Secretary, Agriculture Cooperative Animal Husbandry & Fisheries cum Agriculture Production Commissioner, D.K.S. Bhavan, Mantralaya, Raipur
2. The Registrar, Cooperative Societies, State of Chhattisgarh, G.E.Road, Labhandi, Raipur.
3. The Managing Director, Raipur Dugdh Sangh, B.M.Y. Charoda, District Durg, The State of M.P., Through the Secretary, Dairy & Animal Husbandry, Vallabh Bhavan, Bhopal (M.P.)
4. The Registrar, Cooperative Societies, State of M.P. Vallabh Bhawan, Bhopal (M.P.)
5. M.P. State Cooperative Dairy Federation Ltd. Through the Managing Director,- MPCDF, Dugdh Bhavan, Dugdh Marg, Habibgunj, Hopal (M.P.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Shri Praveen Das, Advocate for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate for the respondents No. 1 and 2.

Shri P. S. Koshy, Advocate for the respondent No.3.

ORDER

(Passed on this 23rd day of April, 2007)

1. The petitioner/Association has sought for a direction to grant employees of the petitioner Association, the benefit of recommendation of the 5th Pay Commission.

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2. Section 55 read with Section 64 of the Chhattisgarh Cooperative Societies Act, 1960, clearly provides for determination of conditions of employment in Society as well as resolving any dispute between employer and employee, by the Registrar, Cooperative Societies.

3. The petitioner/Association, without taking recourse to the statutory remedy, available to it, has approached to this Court, directly. There is no infringement of any fundamental or legal right, which may be considered by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. In view of the foregoing, this petition is dismissed. No order as to costs.

5. However, liberty is reserved to the petitioner/Association to take recourse to the appropriate forum that may be available to the petitioner. This order will not come in the way of the Registrar or any other concerned authority in considering the matter to pass any order, in accordance with law.

Sd/-
Satish K. Agnihotri
Judge

Thakur